

REMARKS

The Office Action dated March 18, 2009 has been received and carefully noted. The following remarks, are submitted as a full and complete response thereto.

Claims 36-69 and 71-72 are pending in the application, of which claims 36, 66, 71, and 72 are independent. Claims 36-65 and 71 have been allowed. Claims 66-69 and 72 are submitted for consideration in view of the following.

Claims 66-69 were rejected under the first paragraph of 35 U.S.C. § 112 for failing to comply with the enablement requirement. In support of this rejection, the Office Action alleged that the specification does not adequately describe the structure that corresponds to the first and second call control units. Applicants respectfully assert that claims 66-69 comply with the enablement requirement of the first paragraph of 35 U.S.C. § 112.

Claim 66, upon which claims 67-69 depend, is directed, in part, to an apparatus that comprises at least one first interface, at least one second interface, a first call control unit, and a second call control unit. On page 14, line 10, to page 15, line 2, the specification discusses that a network element may include a first call control unit and a second call control unit. Additionally, on page 6, lines 10-13, the specification discusses that a network element may include an radio network controller (RNC), an IP base transceiver station (BTS), or a base station controller (BSC). It is well-known in the art that RNCs, BTSs, and BSCs include a variety of structural components such as data processors, memory devices, storage devices, interface devices, and circuit boards, and

more, which are used to execute logical processes or instructions that can be stored locally as software. Upon considering the specification, those skilled in the art would readily appreciate that the components of such network devices can be configured to, for example, establish, maintain, and release portions of a data channel or interface, similar to the first and second call control units recited in claim 66. Indeed, configuring such components to perform logical operations is common practice in the technical field to which the application pertains. Consequently, the specification enables one of ordinary skill in the art to make and use the invention recited in claims 66-69 by disclosing network devices such as RNCs, BTSs, and BSCs that are capable of performing the operations recited in the rejected claims. Withdrawal of this rejection is therefore respectfully requested.

Claim 72 was rejected under the first paragraph of 35 U.S.C. § 112 as failing to comply with the so-called written description requirement. The Office Action took the position that the original specification does not adequately describe the structure that corresponds to the claimed means. Applicants respectfully assert that claim 72 complies with the written description requirement of the first paragraph of 35 U.S.C. § 112.

Claim 72 is directed, in part, to an apparatus that comprises an establishing means for establishing a first transmission path and a switching means for switching from said first transmission path to a second transmission path. As discussed above, in some embodiments, the apparatus may include a network element such as an RNC, an BTS, or a BSC, which are known to execute logical operations using include a variety of

components such as data processors, memory devices, storage devices, interface devices, and circuit boards. One of ordinary skill in the art would appreciate that, for example, the components of a BSC could be configured in a manner that amounts to the apparatus, which includes the establishing means and the switching means, recited in claim 72. Configuring RNCs, BTSs, and BSCs to perform logical operations is common practice in the field of telecommunications and computer-oriented technologies. Therefore, Applicants respectfully assert that the specification provides sufficient support whereby one skilled in the art would appreciate that the inventors had possession of the claimed invention.

Claims 66-69 and 72 were rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Regarding claims 66-69, the Office Action took the position that it is not clear what is meant by a first call control unit and a second call control unit. With respect to claim 72, the Office Action took the position that it is not clear what is meant by an establishing means and a switching means. Applicants respectfully traverse this rejection on the grounds that that claims 66-69 and 72 are not indefinite.

As mentioned above, claim 66, upon which claims 67-69 depend, is in part directed to an apparatus that comprises at least one first interface, at least one second interface, a first call control unit, and a second call control unit. Claim 72 is in part directed to an apparatus that comprises an establishing means for establishing and a switching means for switching. The limitations recited in each of these claims

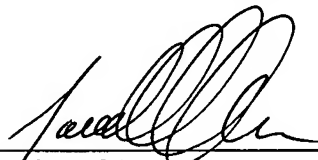
particularly point out and distinctly claim the subject of the invention. There is nothing inherently unclear about the elements and limitations recited in the rejected claims. To the contrary, the features recited therein and their significance to those skilled in the art is quite clear upon consideration of the specification. Indeed, as discussed above, the specification explicitly provides several network devices (RNCs, BTSs, and BSCs) that can embody the claimed invention when configured according to the specification. Therefore, Applicants respectfully assert that claims 66-69 and 72 comport with the requirements of the second paragraph of 35 U.S.C. § 112 are satisfied.

In light of the above, Applicants respectfully assert that the specification provides ample support for claims 66-69 and 72 with respect to the first paragraph of 35 U.S.C. § 112. Additionally, Applicants respectfully assert that claims 66-69 and 72 are not indefinite with respect to the second paragraph of 35 U.S.C. § 112. Therefore, Applicants respectfully request that the pending rejections be withdrawn and that the claims be allowed.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jared T. Olson', is written over a horizontal line.

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